

REMARKS

The Office Action dated November 02, 2005, has been reviewed and the Examiner's comments carefully considered. Prior to this paper, claims 1-53 were pending in the application. By this paper, Applicants do not cancel or add any claims. Therefore, claims 1-53 remain pending.

Applicants respectfully submit that the present application is in condition for allowance for at least the reasons that follow.

Indication of Allowable Subject Matter

Applicants thank Examiner Norman for allowing claims 1-27, 29-50, 52 and 53, and for indicating that claim 51 contains allowable subject matter.

Rejections Under 35 U.S.C. § 102

Claim 28 stands rejected under 35 U.S.C. §102(e) as being anticipated by Knittel (United States Patent No. 6,709,155). In response, Applicants traverse the rejection of this claim, and submits that the above claims are allowable for at least the reasons that follow.

Applicants rely on MPEP § 2131, entitled "Anticipation – Application of 35 U.S.C. 102(a), (b), and (e)," which states that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." It is respectfully submitted that Knittel does not describe each and every element of claim 28.

Claim 28 recites a method for more accurately determining the room temperature of air in an automobile cabin, "comprising automatically determining the room temperature of air in an automobile cabin by adding or subtracting an error value to/from a temperature value of air measured by an air temperature sensor, *the error value being based on a temperature value for solid mass surrounding a temperature sensor.*" (Emphasis added.) In an exemplary embodiment of this claim, the temperature of mass surrounding the temperature sensor, T_{surr} , (see equation 5 of the application) may be identified by actually measuring the

temperature or by estimating the temperature, or by a combination of actual measurements and estimates.

In contrast, Knittel does not teach the above quoted features of claim 28. True, in his “summary of the invention” section, Knittel does state that “the thermal inertia of components or the like surrounding the temperature sensor can be compensated.”¹ (Knittel, col. 5, lines 3-5.) However, by “thermal inertia of components,” the ordinary artisan would understand that Knittel is referring to heat generating components in general, and control unit 16 in particular, which inherently generate thermal energy as a result of heat dissipation from the electronic components contained therein. That is, Knittel is not referring to a *“temperature value for solid mass surrounding a temperature sensor,”* as is recited in claim 28, but instead teaches compensation for heat *generating* components.

This is evidenced by Fig. 8 of Knittel, showing two temperature sensors (“30” and “32”). The first temperature sensor, “30,” senses interior temperature, while the second temperature sensor, sensor “32,” as is stated in block “84” of Fig. 8, is for the *“compensation of device heating.”* That is, the temperature sensor “32” senses temperature influenced by the heat generated by the control unit. This fact is further evidenced in Knittel at cols. 6-7, lines 66- 04: “The second temperature sensor 32 is located within the housing 24 of the control 16 and measures *the inherent heating of the control 16*. Thus, the measuring signal of the first temperature sensor 30, corrupted by *the inherent heating of the control 16*, may be compensated for.” (Emphasis added.) Accordingly, in Knittel’s “summary of the invention” section at cols. 4 and 5, by “thermal inertia of components,” he is referring to the heat generated by those components, and not the heat of a mass surrounding the temperature sensor.

Moreover, the second temperature sensor “32” is depicted in Fig. 2 (the only other figure depicting sensor “32”) as being within the housing 24, which appears to be closed. Thus, the ordinary artisan would view Fig. 2 as teaching that the sensor “32” is merely sensing the temperature of the air within the housing, and not sensing the temperature of a mass surrounding the temperature sensor for the cabin interior.

¹ It is probable that this language flows from the translation of the German patent application to which Knittel claims priority (DE 100 49 979), and the term “surrounds” was (is) not the most accurate selection of a term to convey the teachings of Knittel; better terms probably being “near” or “around” or “adjacent,” *etc.*

In sum, the teachings of Knittel do not anticipate claim 28, and thus this claim is allowable.

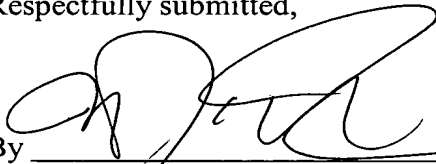
Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Norman is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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Date February 2, 2006

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